

**Subpart 3517—Use Permits****§ 3517.1 Use permits.**

A lessee or permittee may be granted a right to use the surface of unappropriated and unentered public lands, not exceeding 80 acres, not included within the boundaries of a national forest if necessary for the proper extraction, treatment or removal of the mineral deposits. This provision is not applicable to National Forest System lands.

**§ 3517.1–1 Applications.**

Applications for permits to use additional lands shall be filed in triplicate in the proper BLM office. Each application shall be accompanied by a non-refundable \$25 filing fee and the first year's rental. The rental payment shall not be less than \$20.

**§ 3517.1–2 Rental.**

(a) The annual rental charge for use of such lands shall not be less than \$1 an acre or fraction thereof. Payment of the rental shall be made on or before the anniversary date of the permit and also shall be required on all use permits issued prior to the effective date of this section.

(b) Any use permit shall terminate if the permittee or lessee fails to pay the rental within 30 days after service of written notice thereof by the authorized officer.

**§ 3517.1–3 Additional requirements.**

Applications shall set forth the specific reasons why the permittee or lessee needs any additional lands for the use named, describe the lands desired in accordance with subpart 3501 of this title and also set forth the reasons why the lands are desirable and adapted to the use named, either in point of location, topography or otherwise, and shall assure that they are unoccupied and unappropriated. The application shall also contain an agreement to pay the annual charge prescribed in the permit.

**§ 3517.2 Approval.**

A use permit shall be issued on a form approved by the Director and dated as of the first day of the month after its issuance unless the applicant

requests, in writing, that it be dated the first day of the month of issuance.

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AUTHORITY: 16 U.S.C. 90c-1, 460n-5, 460q-5, 460dd-2, 460mm-4; 30 U.S.C. 189, 359; 31 U.S.C. 9701; 43 U.S.C. 1201, 1732(b), 1733, 1740; 47 Stat. 1487.

SOURCE: 51 FR 15228, Apr. 22, 1986, unless otherwise noted.

### Subpart 3520—Sodium Leasing: General

#### § 3520.0-3 Authority.

Authority for leasing deposits of chlorides, sulphates, carbonates, borates, silicates or nitrates of sodium, hereinafter referred to as deposits of sodium or any sodium compound, is shown under § 3500.0-3 (a) and (c) of this title.

#### § 3520.1 Leasing procedures.

The regulations in this part provide the procedures for qualified applicants to obtain rights to develop deposits of sodium or any sodium compound found on lands available for leasing. The regulations provide for this in the following manner:

(a) *Prospecting permits* allow the permittee to explore for deposits of sodium or any sodium compound.

(b) *Preference right leases* are issued to the holders of prospecting permits who demonstrate the discovery of a valuable deposit of sodium or any sodium compound under the permit and that the lands covered by the permit are chiefly valuable therefore.

(c) *Exploration licenses* allow the licensee to explore known deposits of sodium or any sodium compound to obtain data but do not grant the licensee any preference or other right to a lease.

(d) *Competitive leases* are issued for known deposits of sodium or any sodium compound and allow the lessee to mine the deposit.

(e) *Fringe acreage leases* are issued noncompetitively for known deposits of sodium or any sodium compound adjacent to existing mines on non-Federal lands which can only be mined as part of the existing mining operation.

(f) *Lease modifications* are used to add known deposits of sodium or any sodium compound to an adjacent Federal lease which contains an existing mine provided the deposits can only be mined as part of the existing mining operation.

#### § 3520.2 Other applicable regulations.

#### § 3520.2-1 General leasing regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The regulations in part 3500 of this title include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in part 3500 of this title is provided in this part

as an aid to the reader and is not intended to limit the applicability of part 3500 of this title only to the cross-referenced regulations.

**§ 3520.2-2 Special areas.**

Part 3580 of this title contains regulations specific to certain national recreation areas and to certain lands patented to the State of California, and as applicable, supplements this part. Except where specific regulations in part 3580 of this title are applicable, the regulations in this part and part 3500 of this title shall govern the leasing of deposits of sodium or any sodium compound in those national recreation areas and those patented lands.

**§ 3520.3 Allowable acreage holdings.**

No person, company, association or corporation may hold at any particular time, directly or indirectly, more than 5,120 acres under prospecting permit and lease in any 1 State, except that, where the Secretary determines pursuant to 30 U.S.C. 184(b)(2) that it is necessary to secure the economic mining of sodium compounds, holdings may equal 15,360 acres.

**Subpart 3521—Lease Terms and Conditions**

**§ 3521.1 Applicability of lease terms and conditions.**

The lease terms and conditions set out under this section apply to all leases issued or renewed under part 3520 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize, in accordance with its terms and conditions, the mining of sodium, sodium compounds and other related products, including, but not limited to, potassium and potassium compounds.

**§ 3521.2 Rental and royalty.**

**§ 3521.2-1 Rental.**

(a) Each lease shall provide for the payment of rental annually and in advance for each acre or fraction thereof

during the continuance of the lease at the rate of 25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth and fifth calendar years and \$1 for each and every year thereafter. Rental is payable annually on or before January 1. The rental paid for any year shall be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4-2)

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.

**§ 3521.2-2 Production royalty.**

All leases shall be conditioned upon the payment to the United States of such royalties as may be specified in the lease, which shall be fixed by the authorized officer in advance as provided under § 3503.2-1 of this title, but at not less than 2 per centum of the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market.

**§ 3521.3 Duration of lease.**

The lease shall be issued for an initial term of 20 years subject to a preferential right in the lessee to renew for a 10-year term at the end of the initial term and at the end of each 10-year period thereafter. (See subpart 3528)

**§ 3521.4 Bonds.**

Prior to issuance of a lease under this part, the applicant shall furnish a bond in an amount to be determined by the authorized officer but not less than \$5,000. (See subpart 3504)

**§ 3521.5 Special stipulations.**

To insure adequate utilization and protection of the lands and their resources, leases shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau

jurisdiction as described in § 3500.9 of this title. (See also part 3580)

#### **§ 3521.6 Other applicable regulations.**

Leases issued under this part shall also be subject to the conditions set forth in other regulations, including, but not limited to, the following:

(a) Minimum annual production and minimum royalty are covered by § 3503.2-2 of this title.

(b) Suspension of operations and production and suspension of operations are covered by § 3503.3 of this title.

(c) Assignments and subleases are covered by subpart 3506 of this title.

(d) Cancellation and relinquishment are covered by subpart 3509 of this title.

(e) Exploration and mining are covered by part 3590 of this title.

(f) Royalty management is covered by 30 CFR Chapter II, Subchapter A.

[51 FR 15213, Apr. 22, 1986; 51 FR 25204, July 11, 1986]

### **Subpart 3522—Sodium Prospecting Permits**

#### **§ 3522.1 Areas subject to prospecting.**

A prospecting permit may be issued for any area of available public domain or acquired lands subject to leasing where prospecting or exploratory work is necessary to determine the existence or workability of deposits of sodium or any sodium compound. If, within the term of the permit, the permittee makes a discovery of a valuable deposit of any of these sodium compounds, and the lands are determined to be chiefly valuable therefor, the permittee is entitled to a preference right lease.

#### **§ 3522.2 Rights conferred by issuance of prospecting permits.**

A permit shall grant the permittee the exclusive right to prospect on and explore the lands to determine the existence of a valuable deposit of sodium or any sodium compound in accordance with the terms and conditions of the permit. The permittee may remove only such material as is necessary to demonstrate the existence of a valuable mineral deposit.

#### **§ 3522.3 Application for prospecting permit.**

##### **§ 3522.3-1 Filing requirements.**

(a) An application shall be filed on a form approved by the Director or an exact reproduction of that form.

(b) An application shall be filed in triplicate with the proper BLM office.

(c) The application shall be accompanied by a nonrefundable filing fee of \$25, and rental for the first year at the rate of 50 cents per acre, or fraction thereof, made payable to the Department of the Interior—Bureau of Land Management. The rental payment shall be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest subdivision. The rental payment shall not be less than \$20.

##### **§ 3522.3-2 Contents of application.**

Each application shall be type-written, or printed plainly in ink; manually signed in ink and dated by the applicant or applicant's duly authorized attorney-in-fact, and shall contain the following:

(a) The name and address of the applicant;

(b) A statement of the applicant's qualifications and holdings. (See subpart 3502); and

(c) A complete and accurate land description in compliance with subpart 3501 of this title. The application shall not include more than 2,560 acres in a reasonably compact form.

##### **§ 3522.3-3 Exploration plans.**

After initial review and clearance of the application, but prior to issuance of the prospecting permit, the authorized officer shall require the applicant to file an exploration plan in triplicate, reasonably designed to determine the existence or workability of the deposit. The exploration plan shall, insofar as possible, include the following:

(a) The names, addresses and telephone numbers of persons responsible for operations under the plan and to whom notices and orders are to be delivered;

(b) A brief description, including maps, of geologic, water, vegetation, and other physical factors, and the distribution, abundance, and habitat of

fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed operation within the area where exploration is to be conducted, and the present land use within and adjacent to the area;

(c) A narrative description showing:

(1) The method of exploration and types of equipment to be used;

(2) The measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations;

(3) The method for plugging drill holes; and,

(4) The measures to be taken for surface reclamation, which shall include as appropriate:

(i) A reclamation schedule;

(ii) The method of grading, back-filling, soil stabilization, compacting and contouring;

(iii) The method of soil preparation and fertilizer application;

(iv) The type and mixture of shrubs, trees, grasses, forbs or other vegetation to be planted; and

(v) The method of planting, including approximate quantity and spacing.

(d) The estimated timetable for each phase of the work and for final completion of the program;

(e) Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features and the proposed location of drill holes, trenches and roads; and

(f) Such other data as may be required by the authorized officer.

#### **§3522.3-4 Rejection of application.**

Any application for a prospecting permit which does not comply with the requirements of this subpart shall be rejected. If the applicant files a new application for the same lands within 30 days of receipt of the rejection, the nonrefundable filing fee and rental payment submitted with the original application shall be applied to the new application, provided the serial number of the original application is shown on the new application. If a new applica-

tion is not filed within the 30-day period, the advance rental shall be refunded. Priority for the permit shall be established as of the date the corrected application is filed.

#### **§3522.4 Determination of priorities.**

##### **§3522.4-1 Regular filings.**

Priority of application shall be determined in accordance with the time of filing.

##### **§3522.4-2 Simultaneous filings.**

Where more than 1 application is filed at the same time for the same lands, priority shall be determined in accordance with subpart 1821 of this title.

##### **§3522.5 Amendment to application.**

An amendment to an application for a prospecting permit to include additional lands shall receive priority for such additional lands from the date of the filing of the amended application. The amended application shall be accompanied by the required advance rental. No additional filing fees are required.

##### **§3522.6 Withdrawal of application.**

An application for permit may be withdrawn in whole or in part before the permit is signed on behalf of the United States. Upon acceptance of the withdrawal by the authorized officer, the advance rental submitted with the application shall be refunded.

##### **§3522.7 Permit bonds.**

Prior to issuance of the permit, the applicant shall furnish a bond in an amount determined by the authorized officer, but not less than \$1,000. (See subpart 3504)

#### **§3522.8 Terms and conditions of permit.**

##### **§3522.8-1 Duration of permit.**

Prospecting permits are issued for a term of 2 years, and may not be extended.

##### **§3522.8-2 Dating of permits.**

The permit shall be dated as of the first day of the month after its approval by the authorized officer unless

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the applicant requests in writing that it be dated the first day of the month in which it is approved.

### **§ 3522.8-3 Annual rental.**

Rental at the rate of 50 cents per acre or fraction thereof shall be paid annually on or before the anniversary date of the permit. The rental payment shall not be less than \$20.

### **§ 3522.8-4 Special stipulations.**

To insure adequate protection of the lands and their resources, permits shall contain such stipulations as may be prescribed by the authorized officer or the responsible official of the surface management agency if the surface is not under Bureau jurisdiction as described in § 3500.9 of this title. (See also part 3580)

## **Subpart 3523—Preference Right Lease**

### **§ 3523.1 Application for preference right lease.**

#### **§ 3523.1-1 Filing requirements.**

(a) No specific application form is required.

(b) An application shall be filed in triplicate with the proper BLM office no later than 60 days after the prospecting permit expires.

(c) The application shall be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof made payable to the Department of the Interior—Bureau of Land Management. (See subpart 3503)

#### **§ 3523.1-2 Contents of application.**

(a) The application shall include a statement of qualifications and holdings in accordance with subpart 3502 of this title;

(b) The application shall contain a complete and accurate description of the lands in accordance with § 3501.1 of this title. The lands shall have been included in the prospecting permit and shall not exceed 2,560 acres;

(c) The application shall be accompanied by a map(s) which shows utility systems; the location of any proposed development or mining operations and facilities incidental thereto, including the approximate locations and the ex-

tent of the areas to be used for pits, overburden and tailings; and the location of water sources or other resources which may be used in the proposed operations or facilities incidental thereto; and

(d) The application shall include a narrative statement setting forth:

(1) The anticipated scope, method and schedule of development operations, including the types of equipment to be used;

(2) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed; and

(3) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or planned mining operations, or facilities incidental thereto, on adjacent Federal or non-federal lands.

### **§ 3523.2 Review of application.**

#### **§ 3523.2-1 Preference right determination.**

The authorized officer shall determine whether the permittee has discovered a valuable deposit of sodium or any sodium compound and whether the lands are chiefly valuable therefor. The determination shall be based on data furnished to the authorized officer by the permittee as required by part 3590 of this title during the life of the permit and supplemental data submitted at the request of the authorized officer to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance and measures to be taken to reclaim that disturbance.

#### **§ 3523.2-2 Surface management agency.**

The surface management agency, if other than the Bureau, shall review the application for preference right lease in accordance with § 3500.9 and part 3580 of this title, as applicable. The appropriate surface management agency may request supplemental data regarding surface disturbance and reclamation if not otherwise submitted under § 3523.1-2 of this title.

**§ 3523.3 Issuance of lease.**

The authorized officer shall issue a lease to the holder of a prospecting permit who shows that, within the term of the permit, a valuable deposit of sodium or any sodium compound was discovered and that the lands are chiefly valuable therefor.

**§ 3523.4 Rejection of application.**

(a) The authorized officer shall reject the application for a preference right lease if the authorized officer determines:

(1) That the applicant did not discover a valuable deposit of sodium and/or the lands are not chiefly valuable therefor;

(2) The applicant did not submit requested information in a timely manner; or

(3) The applicant did not otherwise comply with the requirements of this subpart.

(b) On alleging in an application facts the applicant believes to be sufficient to show entitlement to lease, a permittee shall have the right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(c) At the hearing, the permittee shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of sodium or any sodium compound was discovered and that the lands are chiefly valuable therefor.

**Subpart 3524—Exploration License**

**§ 3524.0–3 Authority.**

Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)).

**§ 3524.1 Exploration license.**

Private parties, jointly or severally, may apply for exploration licenses to explore known, unleased deposits of sodium or any sodium compound to obtain geologic, environmental and other pertinent data concerning such deposits.

**§ 3524.2 Regulations applicable.**

Except as otherwise specifically provided in this subpart, the regulations

pertaining to land use authorizations under part 2920 of this title shall govern the issuance of exploration licenses.

**§ 3524.3 Exploration plan.**

All applications for exploration licenses shall include an exploration plan which is in full compliance with § 3522.3–3 of this title. The exploration plan, as approved, shall be attached to, and made a part of, the license.

**§ 3524.4 Notice of exploration.**

Applicants for exploration licenses shall be required to publish a Notice of Exploration inviting other parties to participate in exploration under the license on a pro rata cost sharing basis.

**§ 3524.4–1 Contents of notice.**

The Notice of Exploration prepared by the authorized officer and furnished to the applicant shall contain:

(a) The name and address of the applicant;

(b) A description of the lands;

(c) The address of the Bureau office where the exploration plan shall be available for inspection; and

(d) An invitation to the public to participate in the exploration under the license.

**§ 3524.4–2 Publication and posting of notice.**

(a) The applicant shall publish the Notice of Exploration once a week for 3 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands are located.

(b) The authorized officer shall post the notice in the proper BLM office for 30 days.

**§ 3524.4–3 Notice of participation.**

Any person who seeks to participate in the exploration program shall notify the authorized officer and the applicant in writing within 30 days after posting.

**§ 3524.4–4 Decision on plan and participation.**

The authorized officer may issue the license naming participants and acreage covered, establishing core hole spacing and resolving any other issue

necessary to minimize surface disturbance and inconsistencies between proposed exploration plans.

#### **§ 3524.5 Submission of data.**

The licensee must furnish to BLM copies of all data obtained during exploration. If part 2 of this title requires any such data to be held confidential, BLM will not make it public.

[63 FR 52954, Oct. 1, 1998]

EFFECTIVE DATE NOTE: At 63 FR 52954, Oct. 1, 1998, § 3524.5 was revised, effective Nov. 2, 1998. For the convenience of the user, the superseded text is set forth as follows:

#### **§ 3524.5 Submission of data.**

The licensee shall furnish the authorized officer copies of all data obtained during exploration. All data shall be considered confidential and not made public until the areas involved have been leased or until the authorized officer determines that the data are not exempt from disclosure under the Freedom of Information Act, whichever occurs first.

#### **§ 3524.6 Modification of exploration plan.**

Upon application therefor, a modification of the exploration plan may be approved by the authorized officer.

### **Subpart 3525—Competitive Leasing**

#### **§ 3525.1 Lands subject only to competitive leasing.**

Lands available for leasing where prospecting or exploratory work is unnecessary to determine the existence or workability of valuable deposits of sodium or any sodium compound may be leased only through competitive sale to the qualified bidder who offers the highest acceptable bonus bid, except as provided in subparts 3508 and 3526 of this title. A competitive lease sale may be initiated either through an expression of interest or on Bureau motion.

#### **§ 3525.2 Surface management agency.**

Prior to competitive lease offering, the surface management agency shall be consulted in accordance with § 3500.9 and part 3580 of this title, as applicable.

#### **§ 3525.3 Sale procedures.**

##### **§ 3525.3-1 Publication and posting of notice.**

Prior to a lease offering, the authorized officer shall publish a notice of lease sale for at least 3 consecutive weeks in a newspaper of general circulation in the area in which the lands are situated. The notice of lease sale also shall be posted for 30 days in the public room of the proper BLM office.

##### **§ 3525.3-2 Contents of notice.**

The lease sale notice shall include:

- (a) The time and place of sale;
- (b) The bidding method;
- (c) A description of the tract being offered;
- (d) A description of the sodium deposit or any sodium compound deposit being offered;
- (e) The minimum bid to be considered; and
- (f) Information on where a detailed statement of the terms and conditions of the lease sale and of the proposed lease may be obtained.

##### **§ 3525.3-3 Detailed statement.**

The authorized officer shall also prepare and make available a detailed statement of sale containing:

- (a) The proposed lease on a form approved by the Director with terms and conditions, including the rental, royalty rates, bond amount and special stipulations for the particular tract;
- (b) An explanation of the manner in which bids may be submitted;
- (c) A notice that each bid shall be accompanied by the bidder's qualifications (See subpart 3502) and one-fifth of the amount bid;
- (d) A notice that the successful bidder(s) shall be required, prior to lease issuance, to pay their proportionate share of the total cost of the publication of the sale notice;
- (e) A warning to all bidders concerning 18 U.S.C. 1860 which prohibits unlawful combination or intimidation of bidders;
- (f) A statement that the Secretary reserves the right to reject any and all bids, and the right to offer the lease to the next qualified bidder if the successful bidder fails to obtain the lease for any reason; and



(g) Any other information deemed appropriate.

**§ 3525.4 Bid opening.**

All bids shall be opened and announced at the time and date specified in the notice of lease sale, but no bids shall be accepted or rejected at that time. Bids received after the time specified in the notice of sale shall not be considered. A bid may be withdrawn or modified prior to the time specified in the notice of sale.

**§ 3525.5 Award of lease.**

After the authorized officer has determined that the highest qualified bid meets or exceeds fair market value, copies of the lease on the form attached to the detailed statement shall be sent to the successful bidder who shall, within a specified time, sign and return the lease form, pay the balance of the bonus bid, pay the first year's rental, pay the publication costs and furnish the required lease bond.

**§ 3525.6 Rejection of bid.**

(a) If the high bid is rejected for failure of the successful bidder to sign the lease form and pay the balance of the bonus bid, or otherwise comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited to the United States.

(b) If the lease cannot be awarded for reasons determined by the authorized officer to be beyond the control of the successful bidder, the authorized officer shall reject the bid and the deposit submitted with the bid shall be returned.

**Subpart 3526—Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications**

**§ 3526.1 Lands subject to lease.**

Lands available for leasing which are known to contain a deposit of sodium or any sodium compound that extends from an adjoining Federal lease or from privately held lands may be leased noncompetitively either by issuance of a new lease for these lands or by adding such lands to an existing Federal lease.

**§ 3526.2 Special requirements.**

Before a fringe acreage lease may be issued or a lease modified under this subpart, the authorized officer shall determine the following:

(a) The lands are contiguous to an existing Federal lease or to non-federal lands owned or controlled by the applicant;

(b)(1) The new lease for the fringe acreage is not in excess of 2,560 acres; or

(2) The acreage of the modified lease, including additional lands, is not in excess of 2,560 acres;

(c) The mineral deposit is not in an area of competitive interest to holders of other active mining units in the area;

(d) The lands applied for lack sufficient reserves of the mineral resource to warrant independent development; and

(e) That leasing the lands will result in conservation of natural resources and will provide for economical and efficient recovery as part of a mining unit.

**§ 3526.3 Filing requirements.**

(a) An application shall be filed in triplicate with proper BLM office. No specific application form is required.

(b) The application shall be accompanied by a nonrefundable filing fee of \$25, and an advance rental payment of 25 cents per acre or fraction thereof for a new lease or at the rental rate set forth in the base lease for a modification made payable to the Department of the Interior—Bureau of Land Management.

(c) The application shall:

(1) Make reference to the serial number of the lease if the lands adjoin an existing Federal lease;

(2) Contain a complete and accurate description of the lands desired;

(3) Include a showing that a sodium deposit or any sodium compound deposit extends from the applicant's adjoining lease or from private lands owned or controlled by the applicant; and

(4) Include proof of ownership or control of the mineral deposit in the adjoining lands if not under a Federal lease.

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### **§ 3526.4 Surface management agency.**

The surface management agency, if other than the Bureau, shall be consulted in accordance with §3500.9 and part 3580 of this title.

### **§ 3526.5 Payment of bonus.**

Prior to the issuance of a new lease or a modification of an existing lease, the applicant shall be required to pay a bonus in an amount determined by the authorized officer based on an appraisal. In no event shall such payment be less than \$1 per acre or fraction thereof.

### **§ 3526.6 Terms and conditions of lease.**

New leases shall be issued subject to the terms and conditions set out under subpart 3521 of this title. The terms and conditions of a modified lease shall be the same as in the existing lease.

## **Subpart 3527—Use Permits**

### **§ 3527.1 Use permits.**

A permittee or lessee may be granted a right to use, during the life of the permit or lease, the surface of unoccupied non-mineral public lands, not to exceed 40 acres, that are not included within the boundaries of a national forest, for camp sites, refining works and other purposes connected with, if necessary to, the proper development and use of the deposits covered by the permit or lease.

#### **§ 3527.1-1 Applications.**

Applications for permits to use additional lands shall be filed in triplicate in the proper BLM office. No specific form is required. Each application shall be accompanied by a nonrefundable \$25 filing fee and the first year's rental. The rental payment shall not be less than \$20.

#### **§ 3527.1-2 Rental.**

(a) The annual rental charge for use of such lands shall not be less than \$1 per acre or fraction thereof. Payment of the rental shall be made on or before the anniversary date of the permit and also shall be required on all use permits issued prior to the effective date of this section.

(b) Any use permit shall terminate if the permittee or lessee fails to pay the required rental within 30 days after service of written notice thereof by the authorized officer.

[51 FR 15213, Apr. 22, 1986; 51 FR 25204, July 11, 1986]

### **§ 3527.1-3 Additional requirements.**

Applications shall set forth the specific reasons why the permittee or lessee needs the additional lands for the use named, describe the lands desired in accordance with subpart 3501 of this title and also set forth the reasons why the lands are desirable and adapted to the use named, either in point of location, topography or otherwise, and shall assure that they are unoccupied and unappropriated. The application shall also contain an agreement to pay the annual charge prescribed in the permit.

### **§ 3527.2 Approval.**

A use permit shall be issued on a form approved by the Director and dated as of the first day of the month after its issuance unless the applicant requests in writing that it be dated the first day of the month of issuance.

## **Subpart 3528—Lease Renewals**

### **§ 3528.1 Applications.**

An application for lease renewal shall be filed at least 90 days prior to the expiration of the lease term. No specific form is required. All applications shall be filed in triplicate in the proper BLM office together with a nonrefundable \$25 filing fee and an advance rental payment of \$1 per acre or fraction thereof.

### **§ 3528.2 Bonds.**

Prior to the issuance of a renewal lease, the lessee may be required to furnish a new bond as prescribed by subpart 3504 of this title.

### **§ 3528.3 Failure to apply for renewal.**

If the holder of a lease fails to apply for renewal as provided in §3528.1 of this title, the lease shall expire on the last day of the current lease term.

**§ 3528.4 Lease terms and conditions.**

Each lease, if renewed, shall be issued on a form approved by the Director and shall be effective the first day of the month following its approval by the authorized officer or the first day of the month following the expiration of the current lease, whichever is later, and shall otherwise be subject to the terms and conditions set forth under subpart 3521 of this title.

**PART 3530—POTASSIUM**

**Subpart 3530—Potassium Leasing: General**

Sec.

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- 3536.1 Lands subject to lease.
- 3536.2 Special requirements.
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AUTHORITY: 16 U.S.C. 90c–1, 460n–5, 460q–5, 460dd–2, 460mm–4; 30 U.S.C. 189, 359; 31 U.S.C. 9701; 43 U.S.C. 1201, 1732(b), 1733, 1740; 47 Stat. 1487.

SOURCE: 51 FR 15233, Apr. 22, 1986, unless otherwise noted.

**Subpart 3530—Potassium Leasing: General**

**§ 3530.0–3 Authority.**

Authority for leasing deposits of chlorides, sulphates, carbonates,